

EXHIBIT B

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OKLAHOMA
3
4 STATE OF OKLAHOMA, ex rel,)
5 W.A. DREW EDMONDSON, in his)
6 capacity as ATTORNEY GENERAL)
7 OF THE STATE OF OKLAHOMA,)
8 et al.)
9
10 Plaintiffs,)
11
12 V.) No. 05-CV-329-GKF-SAJ
13
14 TYSON FOODS, INC., et al.,)
15
16 Defendants.)

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13 REPORTER'S TRANSCRIPT OF PROCEEDINGS
14 MARCH 10, 2008
15 PRELIMINARY INJUNCTION HEARING
16 VOLUME VII

18 BEFORE THE HONORABLE GREGORY K. FRIZZELL, Judge

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UNITED STATES COURT REPORTER



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24 PETER JAFFE

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14 PROCEEDINGS

15 March 10, 2008

16 THE COURT: What's on the agenda today, gentlemen?

17 MR. PAGE: Your Honor, I have a minor housekeeping
18 matter, if I may.

19 THE COURT: Yes, sir.

20 MR. PAGE: Your Honor, David Page, for the State of
21 Oklahoma.

22 THE COURT: Yes, sir.

23 MR. PAGE: Friday on cross-examination of Dr. Hennessey,
24 I failed to ask for admission of four exhibits.

25 THE COURT: Yes, sir.

1 THE COURT: Very well. State's 613 is admitted.

2 MR. NANCE: Thank you, sir.

3 THE COURT: Yes, sir.

4 MR. JORGENSEN: Your Honor, the defendants call
5 Dr. Samuel P. Myoda.

6 THE COURT: Dr. Myoda.

7 SAMUEL PETER MYODA

8 Called as a witness on behalf of the defendants, being first
9 duly sworn, testified as follows:

10 THE COURT: Doctor, would you state your full name for
11 the record, please.

12 THE WITNESS: Certainly, Samuel Peter Myoda.

13 THE COURT: Thank you. Myoda?

14 THE WITNESS: Yes.

15 THE COURT: Well, with a name like Frizzell, you try
16 to get pronunciations right. Mr. Jorgensen.

17 MR. JORGENSEN: May I approach, Your Honor?

18 THE COURT: Yes, sir.

19 MR. JORGENSEN: Your Honor, we conferred with
20 co-counsel in advance. Maybe as Mr. McDaniel did, I could just
21 review the exhibits that we're going to be going through and
22 avoid making any more exhibit mess.

23 THE COURT: Yes, sir.

24 MR. JORGENSEN: We'll be using Defendants' Exhibits
25 81, 296, 96, 102, 95, 98, 221, 57, State's Exhibit 405, State's

1 A. One of the many. We primarily focus on PFG and
2 ribotyping.

3 Q. I want to ask you to turn your attention now to
4 Defendants' Exhibit 43. I'm not sure this exhibit was actually
5 used by the defendants. But do you remember your testimony
6 about EPA guides of microbial source tracking?

7 A. Yes, I do.

8 Q. Now, if you look at the -- now, Dr. Harwood was actually a
9 contributing editor to this guide document; correct?

10 A. That's correct.

11 Q. Is she considered an authority on microbial source
12 tracking?

13 A. She has done quite a few studies. I've been -- she was in
14 the SCCWRP study that I participated in. So she has been
15 working on source tracking for quite some time.

16 Q. Okay. If you look at these different characteristics you
17 see on the left side of this chart, isn't it true that for the
18 applicable characteristics, the PCR method developed by
19 Dr. Harwood is either an ideal or useful source indicator by
20 judging against all these different characteristics?

21 A. There are many of these descriptions that I don't think
22 she has satisfied. For example, host specificity, she hasn't
23 shown it just in poultry.

24 Q. Hasn't she shown, though, that is a useful SI because it's
25 differentially distributed among host species of interest?